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SUBJECT: Vietnam Adoptions - Senate Staff Del Met With
Department of International Adoptions, Ministry of Justice

Ref: Hanoi 204

1. In one of several meetings set up by the Vietnamese Embassy in Washington, Senate Foreign Relations Committee Senior Staff Member Keith Luse met January 4 with Mr. Nguyen Van Khanh, Deputy Director of the Department of International Adoptions (DIA) at the Ministry of Justice, to discuss the status of inter-country adoptions in Vietnam. (Mr. Luse's other meetings with representatives of the Ministry of Foreign Affairs and the National Assembly reported reftel.)

Moratorium on Adoption by Foreigners

2. Mr. Khanh explained that Decree 68 was promulgated because legal procedures were violated and illicit gains were made under the previous system. The United States and Vietnam are holding talks on a bilateral agreement as required by Decree 68 and have agreed on many significant issues.

Amendment of Decree 68

3. Mr. Khanh reported that the Ministry of Justice will send a draft amendment to Decree 68 for the Prime Minister's signature this month. This amendment is necessary to accommodate the adoption of special needs children prior to the signature of a broad bilateral agreement.

4. Mr. Luse offered the possibility of Senate hearings to bring attention to the matter. When Mr. Khanh suggested that hearings should be put off until after Decree 68 was amended, Mr. Luse said that he would not recommend the Senate hold hearings at this time.

Bi-Lateral Agreement Requirement for Inter-Country Adoptions to Resume

5. When asked whether the upcoming amendments to Decree 68 might make a bilateral agreement unnecessary for resumption of inter-country adoptions, Mr. Khanh responded that, without an agreement, adoptions may only be allowed in exceptional cases. Mr. Khanh mentioned that his department has turned away many applications from foreigners, including Americans, due to the lack of a bilateral agreement.

6. Mr. Luse expressed the hope that the GVN would not require a treaty in order to resume inter-country adoptions with Americans and noted that the Senate will not understand why a treaty is required when China is allowing the adoption of thousands of children without such a formal document. Mr. Khanh said that, in the future, the GVN hopes to have a comprehensive adoption system that follows the Chinese model to make procedures convenient for the government and transparent to others.

Building the Capacity of the DIA

7. Mr. Khanh noted that further legislation is needed to strengthen the authority and resources of the DIA to conduct adoptions. Future amendments to Decree 68 will concentrate authority to conduct adoptions in the DIA and away from the 64 individual provinces and localities. The GVN will also increase the capacity of the DIA to handle larger numbers of adoptions. The DIA recently acquired software to collect data on prospective adoptive parents and children.

Ratification of The Hague Convention on Intercountry Adoptions

18. Mr. Khanh said that the GVN hopes to join The Hague Convention by the end of 2005 or 2006. He quipped that prospective American adoptive parents wonder why their government has yet to ratify the convention. Once Vietnam ratifies the convention, all countries that have already ratified would immediately benefit. He suggested that 2006 is an ideal year for both countries to ratify, a process that may take less time than a bilateral agreement.

MARINE